

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard Harvey et al.
Serial No.: 10/648,140
Filing Date: August 25, 2003
Group Art Unit: 2164
Examiner: Alicia M. Lewis
Confirmation No.: 3247
Title: WEB SERVICES APPARATUS AND METHODS

Mail Stop Notice of Appeal
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicants respectfully request reconsideration of the rejection of all claims in the Application.

In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law. Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action (the "*Final Office Action*") to establish a prima facie rejection of at least independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14. In this Pre-Appeal Brief Request for Review, Applicants request panel review of independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14, which are rejected in the Final Office Action as being obvious over the proposed *Shiman-Gadbois* combination.

I. The proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest “defining attributes of a specific type which correspond to a specific object class, each attribute unique to the specific object class to which the attribute belongs”

As at least a first point of error, the rejections of independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14 are deficient at least because the proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest “defining attributes of a specific type which correspond to a specific object class, each attribute unique to the specific object class to which the attribute belongs.” Although *Shiman*, which is relied upon as the primary reference, discloses that “[a]ttributes are characteristics of a database “object class” (*Shiman*, page 1, paragraph 9), there is no suggestion in *Shiman* that the each attribute is unique to specific object class to which the attribute belongs. Rather, *Shiman* merely discloses:

An object class defines a type of object comprised of certain attributes. Classes are abstract, specifying a type of object that may be created. Objects are discrete manifestations of object classes. In general, objects are metaphors for objects are defined by the values of their attributes in their abstract object class. In general, objects are metaphors for tangible entities, such as people and documents; these objects are defined by the values of their attributes in their abstract object class. Persons have names, haircolor, height, and weight. A person’s unique identify is the collection of these attribute values. Every object can be indexed by the value of its primary key attribute, a unique name for the object.

(*Shiman*, page 1, paragraph 9). Thus, *Shiman* only indicates that an object class includes certain attributes and that **the collection** of these attributes values may be used to uniquely identify the object. For example, *Shiman* indicates that within an object class for people, the attributes of name, haircolor, height, and weight may be used to uniquely identify a person, when considered **collectively**. However, disclosing that an object class includes certain attributes is not analogous to disclosing that an only one object class includes certain attributes.

Applicants’ claim language specifically requires that each attribute is unique to the specific **object class** to which the attribute belongs. In the *Advisory Action*, the examiner states, “It is well known in the art that a primary key attribute uniquely identifies an object class.” (*Advisory Action*, page 2). However, the Examiner provides no evidence for such statement. The Examiner further states, “The VALUE of the primary key attribute (i.e. red

hair) uniquely identifies a specific object (i.e., a person named John), while the actual primary key attribute (i.e. hair color) uniquely identifies the object class (i.e., people). (*Advisory Action*, page 2). Applicants respectfully disagree. There is no disclosure in *Shiman* that object classes other than the people object class cannot also include an attribute for name, haircolor, height, or weight. For example, an object class for pets might also include attributes for name, haircolor, height, or weight. As another example, an object class for businesses might also include a name attribute. There is simply no disclosure in *Shiman* of “defining attributes of a specific type which correspond to a specific object class, **each attribute unique to the specific object class to which the attribute belongs,**” as recited in Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14.

Additionally, although *Shiman* discloses a primary key attribute for indexing, *Shiman* specifies that the primary key attribute (i.e., the Value) is a unique name **for the object.** *Shiman* does not specify that the attribute is unique to the **object class,** as recited in Applicants’ claim. Accordingly, Applicants respectfully contend that *Shiman* does not disclose, teach, or suggest “defining attributes of a specific type which correspond to a specific object class, each attribute unique to the specific object class to which the attribute belongs,” as recited in Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14. *Gadbois*, which is relied upon only for disclosure of a web services directory, does not cure the deficiencies of *Shiman* identified above.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14.

II. The proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest “the object classes are a subclass of an abstract object class”

As at least a second point of error, the rejections of dependent Claims 2, 8 and 14 are deficient at least because the proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest “the object classes are a subclass of an abstract object class.” In the *Office Action*, the Examiner relies on *Shiman* for disclosure of the recited claim elements. (*Office Action*, page 3). However, *Shiman* merely discloses that classes of objects “are abstract” and, thus, specify “a type of object that may be created.” (*Shiman*, page 1, paragraph 9). Thus, “objects are defined by the values of their attributes in their abstract object class.” (*Shiman*, page 1, paragraph 9). Accordingly, while *Shiman* discloses abstract object classes, there is no

disclosure in *Shiman* at all of "subclasses" within an abstract object class and that each object class within a subclass of an abstract object class. As such, *Shiman* and the proposed *Shiman-Gadbois* combination as relied upon by the Examiner does not disclose, teach, or suggest that "the object classes are a subclass of an abstract object class," as recited in Claims 2, 8, and 14.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2, 8, and 14.

III. The proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest "providing specific attributes which relate to one object class for a purpose of enhancing searching"

As at least a third point of error, the rejections of dependent Claims 6 and 12 are deficient at least because the proposed *Shiman-Gadbois* combination does not disclose, teach, or suggest "providing specific attributes which relate to one object class for a purpose of enhancing searching." As discussed above with regard to Claim 1, *Shiman* only indicates that an object class includes certain attributes and that the collection of these attributes values may be used to uniquely identify the object. For example, *Shiman* indicates that within an object class for people, the attributes of name, haircolor, height, and weight may be used to uniquely identify a person, when considered collectively. Disclosing that an object class includes certain attributes is not analogous to providing specific attributes which relate to one object class for a purpose of enhancing searching.

For example, there is no disclosure in *Shiman* that object classes other than the people object class cannot also include an attribute for name, haircolor, height, or weight. Accordingly, where the attribute system disclosed in *Shiman* is additionally applied to an object class for businesses, such an object class might also include a name attribute. Additionally, although *Shiman* discloses a primary key attribute for indexing, *Shiman* specifies that the primary key attribute is a unique name for the specific object. *Shiman* does not specify that the attribute is unique to the object class, as recited in Applicants' claim. Accordingly, Applicants respectfully contend that *Shiman* does not disclose, teach, or suggest "providing specific attributes which relate to one object class for a purpose of enhancing searching," as recited in Claims 6 and 12. *Gadbois*, which is relied upon only for

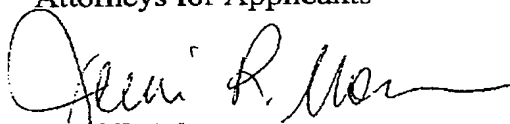
disclosure of a web services directory, does not cure the deficiencies of *Shiman* identified above.

For at least these reasons, Applicants respectfully reconsideration and allowance of dependent Claims 6 and 12.

CONCLUSION

For the reasons discussed above, Applicants respectfully contend that the proposed *Shiman-Gadbois* combination is deficient with respect to at least independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14. As the rejections of at least these claims contain clear deficiencies, Applicants respectfully request a finding of allowance of independent Claims 1, 7, and 13 and dependent Claims 2, 6, 8, 12, and 14. To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants


Jenni R. Moen
Reg. No. 52,038
(214) 953-6809

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Correspondence Address:

at Customer No. **05073**